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**UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK**

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In re:

Jacoby & Meyers—Bankruptcy LLP, et al.

Debtor.

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JIL MAZER-MARINO, as Chapter 7 Trustee for
Jacoby & Meyers—Bankruptcy LLP and Macey
Bankruptcy Law, P.C.

Plaintiff,

v.

THOMAS G. MACEY, JEFFREY J. ALEMAN,
RICHARD K. GUSTAFSON, II, SHOBHANA
KASTURI, GEORGE MACEY, and JASON SEARNS

Defendants.
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**CERTAIN DEFENDANTS’
MOTION TO WITHDRAW THE BANKRUPTCY COURT REFERENCE FOR CAUSE**

Certain Defendants, Thomas G. Macey, Jeffrey J. Aleman, Richard K. Gustafson, II, George Macey, and Jason Searns (collectively, “Defendants”), by and through their undersigned counsel, move under 28 U.S.C. § 157(d) and local rule 5011-1 to withdraw the Bankruptcy Court reference for cause. In support of their motion, Defendants state as follows:

1. Defendants bring this motion to withdraw the reference to Bankruptcy Court because this adversarial proceeding concerns private rights that arose prepetition and that only an

Chapter 7

Case No. 14-10641

Adv. Proc. No.: 15-01115

Hon. Shelley C. Chapman

Article III court can ultimately adjudicate. Accordingly, if this adversarial proceeding remains before the Bankruptcy Court, the Bankruptcy Court must prepare proposed findings of fact and conclusions, which the District Court will then review *de novo*. By granting Defendants' motion to withdraw the reference, the Court will thus simultaneously: (1) preserve the Constitution's mandate that Defendants have their rights tried before an Article III tribunal; and (2) serve judicial efficiency.

2. In further support of their motion, Defendants attach a Memorandum of Law.

WHEREFORE, for the reasons set forth herein and in Certain Defendants' Memorandum of Law, Thomas G. Macey, Jeffrey J. Aleman, Richard K. Gustafson, II, George Macey, and Jason Searns respectfully request that the Court enter an order that: (1) withdraws the reference to the Bankruptcy Court; and (2) grants certain Defendants any other relief the Court deems necessary and proper.

Dated: September 10, 2015

Respectfully submitted,

/s/ Timothy D. Elliott
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Counsel for certain Defendants

CERTIFICATE OF SERVICE

I, Timothy D. Elliot, an attorney/non-attorney, certify that I served a true and correct copy of the foregoing Certain Defendants' Motion to Withdraw the Reference to Bankruptcy Court on September 10, 2015 on all counsel of record via the Court's ECF System.

/s/ Timothy D. Elliott
Timothy D. Elliott